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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Petition to Revoke
11 Probation Against,

12 **CHRISTINE GOTELLI**
13 **P.O. Box 207**
Orinda, California 94563

14 **Registered Nursing License No. 411619**
15 **Public Health Nurse Certificate No. 44323**

16 One.

Case No. 2005-251

OAH No. 2009020033

PETITION TO REVOKE PROBATION

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Petition to Revoke Probation
21 solely in her official capacity as the Interim Executive Officer of the Board of Registered
22 Nursing, Department of Consumer Affairs.

23 2. On or about March 31, 1987, the Board of Registered Nursing issued Registered
24 Nursing License Number 411619 to Christine Gotelli (Respondent). The Registered Nursing
25 License was in effect at all times relevant to the charges brought herein and will expire on
26 January 31, 2011, unless renewed.

27 3. On or about January 25, 1989, the Board of Registered Nursing issued Public Health
28 Nurse Certificate Number 44323 to Respondent. The Public Health Nurse Certificate expired on

1 January 31, 2005, and has not been renewed.

2 4. In a disciplinary action entitled "*In the Matter of the Petition for Reinstatement of*
3 *Christine Gotelli*," Case No. 2000-251 (OAH No. 2009020033), Respondent petitioned for the
4 reinstatement of her previously revoked Registered Nursing License. The Board of Registered
5 Nursing (Board) issued a decision, effective May 8, 2009, in which the Board granted
6 Respondent's petition, revoked the Registered Nursing License, and stayed the revocation.
7 Respondent's license was placed on probation for a period of five (5) years with certain terms and
8 conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

9
10 JURISDICTION

11 5. This Petition to Revoke Probation is brought before the Board under the authority of
12 the following laws. All section references are to the Business and Professions Code unless
13 otherwise indicated.

14 6. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
15 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
16 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
17 Nursing Practice Act.

18
19 FIRST CAUSE TO REVOKE PROBATION

20 (Comply with Board's Probation Program)

21 7. At all times after the effective date of Respondent's probation, Condition 2 stated in
22 pertinent part:

23 "Petitioner shall fully comply with the terms and conditions of the probation program
24 established by the board and cooperate with representatives of the board in its monitoring and
25 investigation of her compliance. . . ."

26 8. Respondent's probation is subject to revocation because she failed to comply with
27 Probation Condition 2, referenced above. The facts and circumstances regarding this violation
28 are as follows:

1 A. On or about June 7, 2010, Respondent began working as a school nurse for the
2 County of Contra Costa without Board approval. Respondent failed to provide a copy of her
3 complete decision in Case No. 2000-251 (OAH No. 2009020033) to her employer and immediate
4 supervisors. Respondent failed to inform the Board in writing within 72 hours after obtaining
5 employment with the County of Contra Costa. Respondent failed to obtain prior approval from
6 the Board regarding her level of supervision and/or collaboration before commencing
7 employment with the County of Contra Costa. Respondent failed to practice under the direct
8 supervision of a registered nurse in good standing with the Board or under alternative methods of
9 supervision. (See below).

10
11 SECOND CAUSE TO REVOKE PROBATION

12 (Employment Approval and Reporting Requirements)

13 9. At all times after the effective date of Respondent's probation, Condition 7 stated in
14 pertinent part:

15 "Petitioner shall obtain prior approval from the board before commencing or continuing any
16 employment, paid or voluntary, as a registered nurse. . . ." (Emphasis added.)

17 "Petitioner shall provide a copy of this decision to her employer and immediate supervisors
18 prior to commencement of any nursing or other health care-related employment."

19 "In addition to the above, petitioner shall notify the board in writing within 72 hours after
20 she obtains any nursing or other health care related employment. Petitioner shall notify the board
21 in writing within 72 hours after she is terminated or separated, regardless of cause, from any
22 nursing, or other health-care related employment, with a full explanation of the circumstances
23 surrounding the termination or separation."

24 10. Respondent's probation is subject to revocation because she failed to comply with
25 Probation Condition 7, referenced above. The facts and circumstances regarding this violation
26 are as follows:
27
28

1 A. Respondent failed to obtain prior Board approval before commencing employment.
2 On or about June 7, 2010, Respondent began working as a school nurse for the County of Contra
3 Costa without Board approval, as required by Probation Condition 7.

4 B. Respondent failed to provide a copy of her complete decision in Case No. 2005-251
5 (OAH No. 2009020033) to her employer and immediate supervisors prior to commencement of
6 employment with the County of Contra Costa on June 7, 2010.

7 C. Respondent failed to inform the Board in writing within 72 hours after obtaining
8 employment with the County of Contra Costa.

9
10 THIRD CAUSE TO REVOKE PROBATION

11 (Supervision)

12 11. At all times after the effective date of Respondent's probation, Condition 8 stated in
13 pertinent part:

14 "Petitioner shall obtain prior approval from the board regarding her level of supervision
15 and/or collaboration before commencing or continuing any employment as a registered nurse, or
16 education and training that includes patient care. . . ." (Emphasis added.)

17 12. Respondent's probation is subject to revocation because she failed to comply with
18 Probation Condition 8, referenced above. The facts and circumstances regarding this violation
19 are as follows:

20 A. Respondent failed to obtain prior approval from the Board regarding her level of
21 supervision and/or collaboration before commencing employment as a nurse with the County of
22 Contra Costa on June 7, 2010. Respondent failed to practice under the direct supervision of a
23 registered nurse in good standing with the Board or under alternative methods of supervision (e.g.
24 with an advanced practice nurse or physician).

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26 ///

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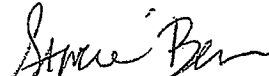
PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking the probation that was granted by the Board of Registered Nursing in Case No. 2000-251 (OAH No. 2009020033) and imposing the disciplinary order that was stayed thereby revoking Registered Nursing License No. 411619 and Public Health Nurse Certificate No. 44323 issued to Christine Gotelli;
2. Revoking or suspending Registered Nursing License No. 411619, issued to Christine Gotelli;
3. Revoking or suspending Public Health Nurse Certificate No. 44323, issued to Christine Gotelli;
4. Taking such other and further action as deemed necessary and proper.

DATED:

July 16, 2010

for 

LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SF2010201329

Exhibit A

Decision and Order

Board of Registered Nursing Case No. 2000-251 (OAH No. 2009020033)

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for
Reinstatement:

CHRISTINE ANNE GOTELLI

Registered Nurse License No. 411619

Petitioner.

OAH No. 2009020033

DECISION

The attached Decision of the Board of Registered Nursing is hereby adopted by the Board
as its Decision in the above-entitled matter.

This Decision shall become effective on May 8, 2009.

IT IS SO ORDERED this 8th day of April 2009.

Susanne Phillips, MSN, RN, FNP-BC

President
Board of Registered Nursing
Department of Consumer Affairs
State of California

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for
Reinstatement of:

CHRISTINE ANNE GOTELLI,

Petitioner.

OAH No. 2009020033

CORRECTED DECISION

This matter was heard before a quorum of the Board of Registered Nursing in Emeryville, California, on February 19, 2009. Board members present and participating were LaFrancine Tate, President; Susanne Phillips, M.S.N., R.N., A.P.R.N.-B.C., F.N.P., Vice President; Nancy L. Beecham, R.N.C., B.S.; Andrea Dutton; and Dian Harrison. Administrative Law Judge Melissa G. Crowell, State of California, Office of Administrative Hearings, presided.

Attorney Stephen M. Boreman represented petitioner Christine Ann Gotelli, who was present.

Deputy Attorney General Char Sachson represented the Office of the Attorney General.

The matter was submitted for decision on February 19, 2009.

FACTUAL FINDINGS

1. On June 21, 1987, the Board of Registered Nursing issued registered nurse license number 411619 to petitioner Christine Ann Gotelli. On January 25, 1989, the board issued public health nurse certificate number 44323 to petitioner.

2. Effective January 2, 2002, in Case Number 2000-251, the board revoked respondent's registered nurse license and public health nurse certificate, stayed the revocations, and placed the license and certificate on probation with terms and conditions for seven years. The discipline was based on a determination that petitioner was suffering from a mental condition that rendered her unsafe to practice nursing. Under the terms and conditions of probation petitioner was required to submit to drug screening, undergo a

physical examination, undergo quarterly mental health examinations, and undergo therapy or counseling.

3. Approximately one year into her probation, a petition to revoke probation was filed. By default decision effective September 12, 2003, the board revoked petitioner's probation, lifted the stay and imposed the orders of revocation. The board found that petitioner had violated the terms of her probation by failing to comply with the probation program on numerous occasions, failing to submit to drug screening on four occasions, and failing to undergo a mental health evaluation. The decision did not include an order for costs.

4. Petitioner filed with the board this petition for reinstatement dated December 31, 2008. Petitioner seeks reinstatement so that she can practice nursing in California where her family resides.

5. Petitioner did not appear at the administrative hearing on the petition to revoke her probation on the advice of her attorney, who also did not appear at her hearing. Petitioner's attorney has since been disciplined by the State Bar of California for his failure to perform legal services for petitioner in connection with her proceedings before the board in 2003.

6. Petitioner has maintained an active registered nursing license in the State of Washington throughout her period of discipline in California.¹ The State of Washington found no cause for disciplinary action against her Washington license based on the information it received from California.

7. Petitioner has continued to be permitted to practice nursing in the Veterans Affairs Health Care System, and in the Medicare system. The United States Department of Health and Human Services declined to bring an action to exclude her.

8. Petitioner last worked as a nurse from January to May 2005. During that time petitioner was a registry nurse with Ocean to Ocean Healthcare, Inc., and was placed at the New Mexico Veterans Affairs Health Care System in Albuquerque, New Mexico. She left that placement upon completion of her assignment. Petitioner consistently received ratings of meeting each element listed in the assessments of her clinical competency and professionalism. In evaluations by her charge nurse in January and February 2005, petitioner received ratings of superior and above average in all categories rated.

9. Petitioner's last employment as a nurse in California was as a school nurse in Oakland Unified School District from August 2000 until August 2003.

¹ Petitioner has been licensed as a registered nurse in the State of Washington since February 22, 1991.

10. In 2008, petitioner completed 60 hours continuing education by taking courses in Substance Abuse and Internet for the Health Professional. In 2007, petitioner completed 30 hours of continuing education, by taking a course in Stress Management. In 2006, petitioner completed a total of 60 hours of continuing education.

11. Psychiatrist Gary Scott Nye, M.D., conducted a current mental status examination of petitioner on December 28, 2008, and he testified at the reinstatement hearing. Dr. Nye also conducted evaluations of petitioner in 2002 and 2004. In Dr. Nye's opinion, petitioner is able to practice nursing with safety to the public. He finds no evidence that she has a mental disorder, no evidence that she has a substance abuse issue, and concludes that she has good judgment. Dr. Nye consulted with petitioner's primary physician for the past year and one-half, John R. Toth, D.O. Dr. Toth made no observations to Dr. Nye that would suggest that petitioner could not work safely as a nurse.

12. Petitioner submitted a letter to the board from Dr. Toth dated December 22, 2008, which corroborates his statements to Dr. Nye. Dr. Toth is of the opinion that petitioner is in good mental and physical health, and that she is qualified to return to work as a nurse on a full-time basis.

13. Through counseling with Dr. Nye, petitioner came to understand that the fears she had in connection with the threats made against her by her former husband during their divorce were exaggerated and unreasonable. She understands that her behavior affected her work and affected her colleagues. She has learned that she needs to seek help when she becomes fearful. And she has learned to deal with her stress by eating well, exercising, and speaking with others. She has the support of her family and is in a healthy steady relationship.

14. Petitioner has established to the satisfaction of the board that she has sufficiently rehabilitated herself so that reinstatement of her registered nurse license and public health nurse certificate on a probationary basis with terms and conditions is consistent with protection of the public. As part of the terms and conditions of probation, petitioner will be required to undergo a mental health examination by a board-approved psychiatrist, psychologist or other licensed mental health practitioner other than Dr. Nye, and participate in therapy.

LEGAL CONCLUSIONS

1. Petitioner bears the burden of demonstrating by clear and convincing evidence that she is entitled to reinstatement of licensure. (Bus. & Prof. Code, § 2760.1, subd. (b); Cal. Code Regs., tit. 16, § 1445.1, subd. (b).)

2. Petitioner has established to the satisfaction of the board that she has sufficiently rehabilitated herself so that reinstatement of her registered nurse license and public health nurse certificate on a lengthy probationary basis on the terms and conditions set forth in the Order below is consistent with protection of the public.

ORDER

The application of petitioner Christine Anne Gotelli for reinstatement of licensure is granted. A registered nurse license and public health nurse certificate shall be issued to petitioner. The license and certificate shall immediately be revoked, but the order of revocation shall be stayed and petitioner shall be placed on probation for a period of five (5) years on the following terms and conditions:

Each condition of probation is separate and distinct. If any condition of this order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this order, and all other applications thereof, shall not be affected. Each condition of this order shall separately be valid and enforceable to the fullest extent permitted by law.

1. OBEY ALL LAWS: Petitioner shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by petitioner to the board in writing within 72 hours of occurrence. To permit monitoring of compliance with this term, petitioner shall submit completed fingerprint cards and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.
2. COMPLY WITH PROBATION PROGRAM: Petitioner shall fully comply with the terms and conditions of the probation program established by the board and cooperate with representatives of the board in its monitoring and investigation of her compliance. Petitioner shall inform the board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the board, including during any period of suspension.
3. REPORT IN PERSON: During the period of probation, petitioner shall appear in person at interviews/meetings as directed by the board or its designated representatives.
4. RESIDENCY, PRACTICE OR LICENSURE OUTSIDE OF STATE: Periods of residency or practice as a registered nurse outside of California shall not apply toward reduction of this probation time period. Petitioner's probation is tolled, if and when she resides outside of California. Petitioner must provide written notice to the board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Petitioner shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Petitioner shall further provide information regarding the status of each license

and any changes in such license status during the term of probation. Petitioner shall inform the board if she applies for or obtains a new nursing license during the term of probation.

5. SUBMIT WRITTEN REPORTS: During the period of probation, petitioner shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury as required by the board. These reports/declarations shall contain statements relative to petitioner's compliance with all the terms and conditions of the board's probation program. Petitioner shall immediately execute all release of information forms as may be required by the board or its representatives.

PROVIDE DECISION: Petitioner shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

6. FUNCTION AS A REGISTERED NURSE: Petitioner, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with this condition, "engage in the practice of registered nursing" may include, when approved by the board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the board.

If petitioner has not complied with this condition during the probationary term but has presented sufficient documentation of her good faith efforts to comply, and if no other conditions have been violated, the board, in its discretion, may grant an extension of petitioner's probation period up to one year without further hearing in order to comply with this condition. During the one-year extension, all original conditions of probation shall apply.

7. EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS: Petitioner shall obtain prior approval from the board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Petitioner shall cause to be submitted to the board all performance evaluations and other employment-related reports as a registered nurse upon request of the board.

Petitioner shall provide a copy of this decision to her employer and immediate supervisors prior to commencement of any nursing or other health care-related employment.

In addition to the above, petitioner shall notify the board in writing within 72 hours after she obtains any nursing or other health care related employment. Petitioner shall notify the board in writing within 72 hours after she is terminated or separated, regardless of cause, from any nursing, or other health-care related employment, with a full explanation of the circumstances surrounding the termination or separation.

8. SUPERVISION: Petitioner shall obtain prior approval from the board regarding her level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Petitioner shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the board, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Petitioner's level of supervision and/or collaboration may include, but is not limited to the following:

- a. Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.
- b. Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours petitioner works.
- c. Minimum - The individual providing supervision and/or collaboration has person-to-person communication with petitioner at least twice during each shift worked.
- d. Home Health Care - If petitioner is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with him as required by the board each work day. Petitioner shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the board, periodic, on-site

visits to patients' homes visited by petitioner with or without petitioner being present.

9. EMPLOYMENT LIMITATIONS: Petitioner shall not work for a nurse's registry, in any private duty position as a registered nurse, for a temporary nurse placement agency, or for an in-house nursing pool.

Petitioner shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the board. Petitioner shall not work in any other registered nursing occupation where home visits are required.

Petitioner shall not work in any health care setting as a supervisor of registered nurses. The board may additionally restrict petitioner from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Petitioner shall not work as a faculty member in an approved school of nursing or as an instructor in a board approved continuing education program.

Petitioner shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If petitioner is working or intends to work in excess of 40 hours per week, the board may request documentation to determine whether there should be restrictions on the hours of work.

10. COMPLETE A NURSING COURSE: Petitioner, at her own expense, shall enroll in and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Petitioner shall obtain prior approval from the board before enrolling in the course(s). Petitioner shall submit to the board the original transcripts or certificates of completion for the above-required course(s). The board shall return the original documents to petitioner after photocopying them for its records.

11. COST RECOVERY: Petitioner is not required to pay the board any costs as costs were not ordered in the decision revoking her license.

12. VIOLATION OF PROBATION: If petitioner violates the conditions of her probation, the board, after giving petitioner notice and an opportunity to be

heard, may set aside the stay order and impose the stayed revocation of her license.

If during the period of probation, an accusation or petition to revoke probation has been filed against petitioner's license or the Attorney General's office has been requested to prepare an accusation or petition to revoke probation against petitioner's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the board.

13. LICENSE SURRENDER - During petitioner's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, petitioner may surrender her license to the board. The board reserves the right to evaluate petitioner's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, petitioner will no longer be subject to the conditions of probation.

Surrender of petitioner's license shall be considered a disciplinary action and shall become a part of petitioner's license history with the board. A registered nurse whose license has been surrendered may petition the board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

- a. Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or
 - b. One year for a license surrendered for a mental or physical illness.
14. MENTAL HEALTH EXAMINATION - Petitioner shall, within 45 days of the effective date of this decision, have a mental health examination, including psychological testing as appropriate, to determine her capability to perform the duties of a registered nurse. The examination must be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the board. All costs are the responsibility of the petitioner. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by the petitioner.

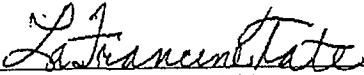
If petitioner is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the board and petitioner by telephone, and the board shall request that the Attorney General's office prepare an accusation or petition to

revoke probation. Petitioner shall immediately cease practice and may not resume practice until notified by the board. During this period of suspension, petitioner shall not engage in any practice for which a license issued by the board is required, until the board has notified petitioner that a mental health determination permits petitioner to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If petitioner fails to have the above assessment submitted to the board within the 45-day requirement, petitioner shall immediately cease practice and shall not resume practice until notified by the board. This period of suspension will not apply to the reduction of this probationary time period. The board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by petitioner to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

15. THERAPY OR COUNSELING PROGRAM - Petitioner, at her expense, shall participate in an ongoing counseling program until such time as the board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

DATED: April 8, 2009


LAFRANCINE TATE
President
Board of Registered Nursing

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke
Probation Against:

CHRISTINE ANNE GOTELLI,
aka CHRISTINE BUSSEY
P.O. Box 207
Orinda, CA 94563

Registered Nurse License No. 411619
Public Health-Nurse Certificate No. 44323

Respondent.

Case No. 2000-251

OAH No. N2003020427

ORDER DENYING RECONSIDERATION

The effective date of the decision in the above-entitled matter having heretofore been stayed through September 21, 2003, for the purpose of determining whether petitioner's request for reconsideration of said decision should be granted, and said request having now been considered and determination made that good cause for the granting of reconsideration has not been established, reconsideration of said Decision is hereby denied. The Board's Decision issued on August 22, 2003, becomes effective on September 12, 2003.

IT IS SO ORDERED this 11th day of September 2003.

BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

Sandra Erickson, CRNA

Sandra Erickson
Board President

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke
Probation Against:

CHRISTINE ANNE GOTELLI,
AKA CHRISTINE BUSSEY
P. O. Box 207
Orinda, CA 94563

Registered Nurse License No. 411619
Public Health Nurse Certificate No. 44323

Respondent.

Case No. 2000-251

OAH No. N2003020427

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby
adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on August 22, 2003.

IT IS SO ORDERED August 22, 2003
A

Sandra L. Erickson

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke
Probation Against:

CHRISTINE ANNE GOTELLI,
AKA CHRISTINE BUSSEY
P. O. Box 207
Orinda, CA 94563

Registered Nurse License No. 411619
Public Health Nurse Certificate No. 44323

Respondent.

Case No. 2000-251

OAH No. N2003020427

PROPOSED DECISION

This matter was heard before Administrative Law Judge Jonathan Lew, State of California, Office of Administrative Hearings on July 22, 2003, in Oakland, California.

Char Sachson, Deputy Attorney General, represented complainant.

There was no appearance by, or on behalf of Christine Anne Gotelli.

The case was submitted for decision on July 22, 2003.

FACTUAL FINDINGS

1. Ruth Ann Terry, M.P.H., R.N. (complainant) brought the Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Board of Registered Nursing (Board), Department of Consumer Affairs.

2. On March 31, 1987, the Board issued Registered Nurse License No. 411619 to Christine Anne Gotelli, also known as Christine Bussey (respondent). The license was in effect at all times pertinent to this matter and will expire on January 31, 2005, unless renewed. The Board also issued Public Health Nurse Certificate No. 44323 to respondent. The certificate was in effect at all times pertinent to this matter and will expire on January 31, 2005, unless renewed.

3. Compliance with the notice requirements of Government Code sections 11505 and 11509 was established. This matter proceeded by way of default under Government Code section 11520.

4. In a disciplinary action entitled "In the Matter of the Accusation Against Christine Anne Gotelli, aka Christine Bussey," Case No. 2000-251 (OAH No. N2001030028), the Board issued a decision, effective January 2, 2002, in which respondent's Registered Nurse License and Public Health Nurse Certificate were revoked. However, the revocations were stayed and respondent's license and certificate were placed on probation for a period of seven (7) years with certain terms and conditions.

› Compliance with Probation Program

5. Condition 2 of respondent's probation provides that "Respondent shall fully comply with the terms and conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of respondent's compliance with the Probation Program." Respondent failed to comply with Condition 2 on multiple occasions and in the manner set forth below.

6. Respondent called representatives of the Board's probation program and was abusive, uncooperative or disruptive. Examples follow. On June 20, 2002, respondent called Kathleen Bazil, a Board probation monitor assigned to her case. Respondent was upset that probation program assistant Anita Rodriguez had called her about completing a biological fluid screening within 24 hours. Respondent repeatedly accused Ms. Rodriguez of lying. During the entire conversation she was yelling or talking very loud. Ms. Bazil noted that throughout their conversation respondent was very sarcastic, verbally abusive and completely unreasonable.

On June 26, 2002, Ms. Bazil spoke to respondent about her need to have an approved mental health examiner. Respondent's tone during their conversation was extremely loud, demanding, sarcastic and rude. Ms. Bazil told respondent that she would try to get back to her by the end of the day on whether the examiner submitted by respondent would be approved by the Board. Respondent stated: "Oh, you'll TRY!!! You'll TRY to get back to me by the end of the day? I'm trying to be diligent and YOU'LL TRY???" Ms. Bazil advised her that she was going to hang up the phone and did so. She did not find respondent to be the least bit cooperative during their conversation.

On July 9, 2002, respondent called Nita Rodriguez asking about the results of her biological fluid screening test. Ms. Rodriguez asked her to send a request in writing. Respondent said some sarcastic remarks, yelling throughout the conversation. Earlier in their conversation and on another topic, Ms. Rodriguez had interrupted respondent and said she would not listen to sarcastic remarks. Respondent then started yelling at Ms. Rodriguez and told her not to threaten her. Respondent also spoke to Board representative Kristie Powell and asked her to pass on to Ms. Bazil that she would not accept calls on her cell phone from

a blocked number. She repeated herself many times, and asked if the information was "understood" by Ms. Powell.

On July 10, 2002, Nita Rodriguez called respondent because the biological fluid screening test from the previous day could not be completed because of a discrepancy in the paperwork. She told respondent that another test was necessary. Respondent became irate, yelling that it was not her fault and that she was going to file another lawsuit. She called Ms. Rodriguez a liar and said the matter was a "crock of crap." Ms. Rodriguez told respondent that she could speak with another Board representative, Elliott Hochberg, about whom respondent made a "Gestapo" reference.

On October 1, 2002, respondent called Nita Rodriguez and told her that either she or Kathleen Bazil was to call her supervisor, Carole Flowers, right away. Respondent was very insistent and demanding.

On other occasions respondent called the Board and either refused to identify herself or claimed to be someone else. It also appears that she also called the Office of Statewide Health Planning and Development, rambling on about her concerns with the Board, and identifying herself only as "Christina" before the call ended.

7. Respondent met with Board probation monitor Kathleen Bazil on May 13, 2002, as part of her orientation and to outline the requirements of her Board probation. All probationary terms and conditions were reviewed with her. She was provided a copy of the Conditions of Probation Supplement which specified in detail her obligations and responsibilities as a probationer. Respondent executed a certification acknowledging that her probation monitor read to her the conditions of probation, that she understood the terms of her probation and that it was her responsibility to comply with the Board's probation program.

During the May 13 orientation respondent was advised that she must submit a completed Physical Health Examination by her physician by June 30, 2002. She did not do so until July 23, 2002, and it was accepted at that time.

8. During the May 13 orientation respondent was instructed to undergo a mental health evaluation by a Board-approved mental health care provider no later than June 30, 2002. Over time she was provided with the names of nine mental health care providers approved by the Board for this purpose. She failed to complete the mental health evaluation by these or any other mental health provider authorized by the Board.

9. During the May 13 orientation respondent was instructed to sign a release of information. She declined to sign, stating that she wanted her attorney to review it. She did not provide the Board with a signed release until the end of July 2002.

10. During the May 13 orientation respondent was instructed to have her employer complete a Verification of Employment form. She has failed to provide the Board with the completed form.

11. Respondent was instructed to attend regularly scheduled probation program meetings. She failed to attend scheduled and noticed meetings set for December 2, 2002, January 21, 2003, April 17, 2003, May 21, 2003 and July 3, 2003. In each case a letter was sent to her advising her of the meeting time and inviting her to call the Board if she had a problem. The last conversation that Kathleen Bazil had with respondent was on October 1, 2002. Ms. Bazil believes respondent had a legitimate excuse for missing the April 2003 meeting, but not the others.

By reason of the above it was established that respondent has regularly failed to fully comply with the terms and conditions of her probation program. She has also failed to cooperate with representatives of the Board in its monitoring and investigation of her compliance with the probation program.

Submit to Tests and Samples

12. Condition 12 of respondent's probation provides that respondent, at her expense, shall participate in a random, biological fluid testing or drug screening program which the Board approves. She has failed to comply with this condition by reason of the following:

- a. On June 20, 2002, respondent's screening was positive for Nordiazepam, Oxazepam and Temazepam. Respondent failed to advise her probation monitor that that she was on any of these medications. She eventually provided a note from her physician on July 30, 2002, indicating that he had prescribed Valium to her.
- b. On July 8, 2002, Anita Rodriguez called respondent and instructed her to complete a biological fluid screening within 24 hours. Due to an error at the lab facility her sample could not be processed. On July 10, 2002, respondent was asked to complete a biological fluid screening within 24 hours. She failed to comply.
- c. On September 12, 2002, a Board representative called respondent and instructed her to complete a biological screening within 24 hours. Respondent failed to comply.
- d. On October 1, 2002, a Board representative called respondent and instructed her to complete a biological fluid screening within 24 hours. Respondent failed to comply.

Though not alleged in the Accusation, the following matters were considered as matters in aggravation. Respondent was called on fourteen other occasions by a Board representative between November 20, 2002 and July 9, 2003.¹ On each of these occasions she was instructed via her answering service or answering machine to complete a biological fluid screening within 24 hours. She failed to comply in every instance.

Mental Health Examination

13. Probation condition 13 provides that respondent is to have a mental health examination including psychological testing as appropriate to determine her capability to perform the duties of a registered nurse. The examination was to be performed by a psychiatrist, psychologist or other licensed mental health examination practitioner approved by the Board.

At the May 13, 2002 orientation meeting respondent was instructed to undergo a mental health evaluation by a Board approved mental health care provider no later than June 30, 2002. At her request she was provided with the names of nine different evaluators acceptable to the Board. She has failed to complete the mental health evaluation by any of the Board approved mental health care providers. Respondent was evaluated by psychiatrist Gary S. Nye, M.D., and his October 10, 2002 report was forwarded to Kathleen Bazil and Board members. However, the Board did not authorize Dr. Nye to perform the evaluation and his findings regarding her mental health were therefore not accepted as satisfying condition 13 of her probation.

Other Matters

14. Respondent's probation monitor considers respondent to be in complete noncompliance with her probation. Ms. Bazil typically meets with her other probationers on a quarterly basis to obtain updates and to assure compliance with probation terms and conditions. She has been unable to do so with respondent and she has had no way of monitoring her. The Board made several accommodations for respondent. Ms. Bazil attempted to schedule meetings around respondent's work schedule, provided her with the names of several mental health examiners and gave her four extensions to complete the mental health exam. Respondent initially asked that the probation monitor assigned to her case be changed and the Board did so. Also, at respondent's request, telephone notice of drug screens was initially made to her attorney's number rather than to her directly. This was not done for other Board probationers. Respondent refused to accept delivery of certified mail from the Board on at least two occasions. As noted in Finding 6 she was not at all cooperative with Board representatives and at times she engaged in abusive and disruptive behavior.

¹ The dates were 11/20/02, 11/26/02, 12/23/02, 12/30/02, 1/2/03, 1/13/03, 2/18/03, 3/11/03, 3/18/03, 4/21/03, 5/12/03, 5/27/03, 6/19/03 and 7/9/03.

15. Respondent is currently employed as a special education nurse with the Oakland Unified School District (OUSD). Her job duties include performing physical assessments of students who are ill, training others on procedures relating to the special needs of students and preparing evaluations for special education students as part of their Individualized Education Program (IEP). The OUSD program manager over health services is Carole Flowers. Ms. Flowers notes that respondent's job performance was satisfactory through February 2003, but since then there has been a steady decline in performance due to numerous absences. She has been absent 79 days out of the 183 day school year. Such absences have placed a burden on the special education department. IEPs were not prepared on a timely basis because of her absence. Resource teachers have complained that they could not get in touch with respondent and that she did not return their phone calls.

LEGAL CONCLUSIONS

1. Condition 10 of respondent's probation provides that if respondent violates the conditions of her probation the Board, after giving respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline. The stayed discipline in this case was revocation of her registered nurse license and public health nurse certificate.

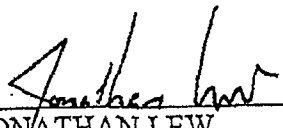
2. Cause exists to revoke respondent's probation by reason of the matters set forth in Findings 5 through 13. Respondent has failed to comply with Condition 2 (Comply with Probation Program), Condition 12 (Submit to Tests and Samples) and Condition 13 (Mental Health Examinations) of her probation.

3. The matters set forth in Finding 14 were considered in making the following Order. It would not be in the public interest to continue respondent on Board probation at this time.

ORDER

The Petition to Revoke Probation is granted. Registered Nurse License No. 411619 and Public Health Nurse Certificate No. 44323 issued by the Board of Registered Nursing to Christine Anne Gotelli, also known as Christine Bussey, are revoked.

DATED: July 24, 2003



JONATHAN LEW
Administrative Law Judge
Office of Administrative Hearings.

1 BILL LOCKYER, Attorney General
of the State of California
2 CHAR MEANEY, State Bar No. 161032
Deputy Attorney General
3 California Department of Justice
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Telephone: (415) 703-5558
5 Facsimile: (415) 703-5480
6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Petition to Revoke Probation
Against:

Case No. 2000-251

OAH No. N2001030028

11 CHRISTINE ANNE GOTELLI, AKA
12 CHRISTINE BUSSEY
P.O. Box 207
13 Orinda, CA 94563

**PETITION TO REVOKE
PROBATION**

14 Registered Nurse License No. 411619
Public Health Nurse Certificate No. 44323

15 Respondent.
16

17
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Petition to
21 Revoke Probation solely in her official capacity as the Executive Officer of the Board of
22 Registered Nursing, Department of Consumer Affairs.

23 2. On or about June 21, 1987, the Board of Registered Nursing issued
24 Registered Nurse License No. 411619 to Christine Anne Gotelli, aka Christine Bussey
25 (Respondent). The license was in effect at all times relevant to the charges brought herein, and
26 will expire on January 31, 2005, unless renewed.

27 3. On or about January 25, 1989, the Board of Registered Nursing issued
28 Public Health Nurse Certificate No. 44323 to Christine Anne Gotelli, aka Christine Bussey

1 (Respondent). The certificate was in effect at all times relevant to the charges brought herein,
2 and will expire on January 31, 2005, unless renewed.

3 4. In a disciplinary action entitled "In the Matter of the Accusation Against
4 Christine Anne Gotelli, aka Christine Bussey," Case No. 2000-251, the Board of Registered
5 Nursing issued a decision, effective January 12, 2002, in which Respondent's Registered Nurse
6 License and Public Health Nurse Certificate were revoked. However, the revocations were
7 stayed and Respondent's license and certificate were placed on probation for a period of seven (7)
8 years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is
9 incorporated by reference.

10 JURISDICTION

11 5. This Petition to Revoke Probation is brought before the Board of
12 Registered Nursing (Board), Department of Consumer Affairs under the authority of the below
13 mentioned statutes and regulations.¹

14 6. Section 118(b) of the Code provides, in pertinent part, that the expiration
15 of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action
16 during the period within which the license may be renewed, restored, reissued or reinstated.

17 FIRST CAUSE TO REVOKE PROBATION

18 (COMPLY WITH PROBATION PROGRAM)

19 7. At all times after the effective date of Respondent's probation, Condition 2
20 stated:

21 Comply with Probation Program - Respondent shall fully comply
22 with the terms and conditions of the Probation Program established
23 by the Board and cooperate with representatives of the Board in its
24 monitoring and investigation of the respondent's compliance with
25 the Probation Program. Respondent shall inform the Board in
26 writing within no more than 15 days of any address change and
27 shall at all times maintain an active, current license status with the
28 Board, including any period of suspension.

8. Respondent's probation is subject to revocation because she failed to

1. All statutory references are to the Business and Professions Code (Code) unless otherwise indicated.

1 comply with Probation Condition 2, referenced above. The facts and circumstances regarding
2 this violation are as follows:

3 A. On at least the following occasions, respondent called multiple
4 times, and/or was abusive, uncooperative or disruptive with the Board's Probation Program
5 representatives:

6 1. June 20, 2002: Respondent called several Board
7 representatives and yelled at them, accused a Board representative of lying, and repeated the
8 same information over and over again, *inter alia*. Respondent was instructed that this type of
9 behavior was not complying with her probation requirements.

10 2. June 26, 2002: Respondent called a Board representative
11 and was loud, demanding, sarcastic and rude, *inter alia*. The Board representative told
12 respondent she would try to answer one of respondent's questions by the close of business on
13 June 26, 2002. Respondent replied, *inter alia*, "You'll TRY!! You'll TRY!! To get back to me
14 by the end of the day? I'm try to be diligent and YOU'LL TRY???" The Board representative
15 unilaterally terminated the call.

16 3. July 9, 2002: Respondent called a Board representative and
17 stated loudly that she would not accept calls from a "blocked" number, *inter alia*. Respondent
18 repeated herself many times, and asked if the information was "understood" by the Board
19 representative. On the same date, respondent yelled at a Board representative and told the
20 representative not to threaten her. Respondent called the Board again, yelling and stating over
21 and over that she would not accept blocked calls.

22 4. July 10, 2002: A Board representative called respondent to
23 instruct her to complete a biological fluid screening test (as a result of a lab error on the previous
24 test, the test had to be repeated; see paragraph 10.B. below). In response to the Board
25 representative's call, respondent became irate, yelled about the board, and how this was not her
26 fault, *inter alia*. Respondent stated she would file another lawsuit, and either said this was "a
27 crock of crap" or called the Board representative "a crock of crap." Respondent further yelled
28 about another Board representative and his "Gestapo."

1 5. October 1, 2002: Respondent called a Board representative,
2 yelling, and demanding, *inter alia*, that the representative call respondent's supervisor
3 immediately, and then call respondent "right back." During the call respondent was sarcastic and
4 yelled at the Board representative.

5 6. On various dates, respondent called the Board (or other
6 state agencies) and either refused to identify herself or claimed to be somebody else.

7 B. On May 13, 2002, respondent met with a Board Probation Monitor
8 and was advised of the requirements of her probation. Respondent was advised, *inter alia*, that
9 she must submit a completed Physical Health Examination by her physician by June 30, 2002.
10 Respondent submitted the completed Physical Health Examination by her physician on July 23,
11 2002.

12 C. At the May 13, 2002 orientation meeting, respondent was
13 instructed to undergo a mental health evaluation by a Board-approved mental health care
14 provider no later than June 30, 2002. Respondent was given a choice of nine mental health care
15 providers from the Board, but has failed to complete the mental health evaluation by any of the
16 named providers.

17 D. At the May 13, 2002 orientation meeting, respondent was
18 instructed to sign a release of information. Respondent declined to sign, stating that she wanted
19 her attorney to review it. Respondent did not provide the Board with a signed release of
20 information until July 29, 2002.

21 E. At the May 13, 2002 orientation meeting, respondent was
22 instructed to have her employer complete a Verification of Employment form. Respondent failed
23 to provide the Board with the completed form.

24 F. Respondent was instructed to attend a regularly scheduled
25 probation program meeting at 10:00 a.m. on December 23, 2002. Respondent failed to attend the
26 meeting, faxing a note to the Board indicating she would not attend at 9:36 a.m. on December 23,
27 2002, which was not received by the Board until December 26, 2002.

28 ///

1 C. On September 12, 2002, a Board representative called respondent
2 and instructed her to complete a biological fluid screening within 24 hours. Respondent failed to
3 comply.

4 D. On October 1, 2002, a Board representative called respondent and
5 instructed her to complete a biological fluid screening within 24 hours. Respondent failed to
6 comply.

7 THIRD CAUSE TO REVOKE PROBATION

8 (QUARTERLY MENTAL HEALTH EXAMINATIONS)

9 11. At all times after the effective date of Respondent's probation, Condition
10 13 stated:

11 Quarterly Mental Health Examinations by an examiner approved
12 by the Board - The respondent shall, with 45 days of the effective
13 date of this decision, have a mental health examination including
14 psychological testing as appropriate to determine her capability to
15 perform the duties of a registered nurse. The examination will be
16 performed by a psychiatrist, psychologist or other licensed mental
17 health examination practitioner approved by the Board. The
18 examining mental health practitioner will submit a written report of
19 that assessment and recommendations to the Board. All costs are
20 the responsibility of the respondent. Recommendations for
21 treatment, therapy or counseling made as a result of the mental
22 health examination will be instituted and followed by the
23 respondent. If respondent is determined to be unable to practice
24 safely as a registered nurse, the licensed mental health care
25 practitioner making this determination shall immediately notify the
26 Probation Program and respondent by telephone. Respondent shall
27 immediately cease practice and may not resume practice until
28 notified by the Probation Monitor. During this period of
suspension, respondent shall not engage in any practice for which a
license issued by the Board is required, until the Probation Monitor
has notified respondent that a mental health determination permits
respondent to resume practice.

12. Respondent's probation is subject to revocation because she failed to
comply with Probation Condition 13, referenced above. The facts and circumstances regarding
this violation are as follows:

A. At the above-referenced May 13, 2002 orientation meeting,
respondent was instructed to undergo a mental health evaluation by a Board-approved mental
health care provider no later than June 30, 2002. Respondent was given a choice of nine mental

1 health care providers from the Board, but has failed to complete the mental health evaluation by
2 any of the named providers.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein
5 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking the probation that was granted by the Board of Registered
7 Nursing in Case No. 2000-251 and imposing the disciplinary order that was stayed thereby
8 revoking Registered Nurse License No. 411619 issued to Christine Anne Gotelli, aka Christine
9 Bussey;

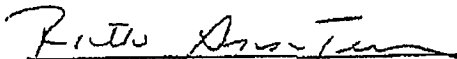
10 2. Revoking the probation that was granted by the Board of Registered
11 Nursing in Case No. 2000-251 and imposing the disciplinary order that was stayed thereby
12 revoking Public Health Nurse Certificate No. 44323 issued to Christine Anne Gotelli, aka
13 Christine Bussey;

14 3. Revoking or suspending Registered Nurse License No. 411619, issued to
15 Christine Anne Gotelli, aka Christine Bussey;

16 3. Revoking or suspending Public Health Nurse Certificate No. 44323, issued
17 to Christine Anne Gotelli, aka Christine Bussey.

18 4. Taking such other and further action as deemed necessary and proper.
19

20 DATED: 1/7/03
21

22 
23 RUTH ANN TERRY, M.P.H., R.N.
24 Executive Officer
25 Board of Registered Nursing
26 Department of Consumer Affairs
27 State of California
28 Complainant

03579110-SF2000AD0806

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

CHRISTINE ANNE GOTELLI, aka
CHRISTINE BUSSEY
P.O. Box 6058
Moraga, CA 94570

Case No. 2000-251

OAH No. 2001030028

Registered Nurse License No. 411619
Public Health Nurse Certificate 44323

Respondent.

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby accepted
and adopted as the Decision of the Director of Consumer Affairs in the above-entitled matter.

This Decision shall become effective on January 2nd, 2002.

IT IS SO ORDERED.

DATE: December 3rd, 2001

Sandra L. Erickson, CPA

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

CHRISTINE ANNE GOTELLI, aka
CHRISTINE BUSSEY
P. O. Box 6058
Moraga, CA 94570

Case No. 2000-251

OAH No. N2001030028

Registered Nurse License No. 411619
Public Health Nurse Certificate No. 44323,

Respondent.

PROPOSED DECISION

This matter was heard before Ruth S. Astle, Administrative Law Judge of the Office of Administrative Hearings, State of California on July 23 and 24, 2001 in Oakland, California.

Char Meaney, Deputy Attorney General, represented the complainant.

The respondent was present and represented by John L. Fleer, Fleer, Daugherty & Raub, 1646 N. California Blvd., Suite 680, Walnut Creek, California 94596.

Submission of the matter was deferred to August 7, 2001 for receipt of final argument, which was received and considered. The matter was submitted on August 7, 2001.

FACTUAL FINDINGS

1. Ruth Ann Terry, M.P.H., R.N. made this accusation in her official capacity as the Executive Officer of the Board of Registered Nursing (Board), Department of Consumer Affairs and not otherwise.

2. On June 21, 1987, the Board issued Registered Nurse license No. 411619 to Christine Anne Gotelli, aka Christine Bussey (respondent). The Registered Nurse license was in full force and effect at all times relevant to this matter and will expire on January 31, 2001 unless otherwise renewed.

2. On January 25, 1989, the Board issued Public Health Nurse Certificate No. 44323 to respondent. The certificate will expire on January 31, 2003 unless otherwise renewed.

4. Respondent's ability to practice her profession safely is impaired because respondent is mentally ill. Respondent was examined pursuant to Business and Professions Code section 820 which provides that the Board may order a licensee to be examined by a physician and surgeon or psychologist designated by the agency, whenever it appears that a person holding a license may be unable to practice his or her profession safely due to mental illness affecting competency. Psychiatrist James Reich, M.D., examined respondent. As a result of that examination Dr. Reich concluded that Respondent suffers from the psychological condition, Psychosis NOS (not otherwise specified), and strong paranoid traits, at times reaching delusional levels. At times she appears to be functioning under the influence of paranoid delusions. Dr. Reich opined that respondent could not be considered a "safe practitioner."

5. In 1998 Renee Threadgill, Deputy Chief Investigator of the California Medical Board received repeated telephone calls from respondent concerning respondent's ex-husband, Dr. Stuart Bussey. Respondent was aggressive and unable to stop talking. This occurred over the course of several months. At times Ms. Threadgill was forced to unilaterally terminate the telephone call. Ms. Threadgill could not determine what respondent actually wanted her to do. Ms. Threadgill contacted the Board to report respondent's behavior. She was concerned and alarmed by respondent's conduct and her inability to express herself in a coherent manner.

6. In 1998 respondent became obsessed with the idea that her telephone and her home were the subject of electronic eavesdropping. She called the Orinda Police Department to have them investigate whether or not there was a tap or bug on her telephone. On one occasion respondent believed that there was a camera in the smoke detector in her home. The Orinda police made at least eight calls to respondent's home and never found a bugging device or determined that there was a tap on her phone. The police found respondent to be difficult. She would not listen and did not make sense. She would obtain the name of personnel at another law enforcement agency and then represent that that person was working with her on some case. When the police contacted that other person they were advised that they were not working with respondent nor was there any case on which to work. Finally the Orinda Police Department determined that they would not respond to any further calls from respondent regarding her telephone or home being bugged or tapped.

7. In May of 1999, respondent's employer, Summit Medical Center, referred respondent to Dr. Schwartzburd for a fitness for duty examination, due to her bizarre behavior at work. At work she also believed that her husband had her under surveillance with a camera and had the hospital phones tapped. Dr. Schwartzburd is a licensed clinical psychologist. He administered psychological testing. Respondent admitted that she lied on

the tests. She was aggressive, confrontational, resistant and uncooperative. Respondent was to return for an interview, but failed to attend the scheduled appointment. Dr. Schwartzburd found respondent to be suffering from a paranoid character disorder. She had pervasive distrust, suspicion, doubt and fear of harm. He made this determination without sufficient data. He knew something was seriously wrong and that she was not fit for duty, but his actual diagnosis was based on incomplete information. It must be noted that the information was incomplete because of respondent's lack of cooperation.

8. As a result of Dr. Schwartzburd's findings, respondent was terminated from her position at Summit Medical Center.

9. At the request of the Board, respondent was evaluated by James H. Reich, M.D. He is a board-certified psychiatrist. Dr. Reich reviewed a great deal of documentation including police reports and the Summit Medical Center file. Respondent requested that the media be present at her interview with Dr. Reich. He found this odd. He administered psychological tests. He concluded that respondent was unfit to practice as a registered nurse. She clearly had high levels of paranoia that sometimes became delusions. This lasted for at least two years. Dr. Reich made a tentative diagnosis of "psychosis NOS" (not otherwise specified). His diagnosis was tentative because respondent was not fully cooperative. Dr. Reich concluded that respondent's condition was chronic because it had lasted for a period of years. Dr. Reich found that respondent needed to have a medical work-up to rule out any medical causes of her condition. He also suggested that she have a drug screen to rule out any cause based on drug abuse. Then, assuming that there are no medical or drug abuse causes, he recommended medications such as a mood stabilizer and psychotherapy. Assuming that respondent is not presently actively psychotic, there is a significant chance of relapse under stress. It is essential that respondent recognize the irrationality of her thought processes in order to recognize problems if they arise in the future.

10. The Administrative Director at Summit Medical Center, respondent's supervisor from 1996 to 1999 testified that respondent's co-workers became concerned for respondent's safety and the safety of patients and other employees. They felt that she was not using good professional judgement and that respondent was having trouble thinking independently. While there was only one direct patient complaint, the direct care of patients is only part of the job of a registered nurse. A nurse must be able to work in a team with other health care professionals and to make independent judgements.

11. Respondent's expert psychologist does not believe that respondent is currently suffering from any psychological disorder. However, he does not rule out that she did suffer from a problem in the past and that it could occur in the future. Complaint's counsel indicated in her final argument that if respondent is placed on probation that she be required, as a condition precedent, to undergo another psychological evaluation. This is unnecessary since she has been recently evaluated and is relatively symptom-free. Rather than another evalua-

tion, respondent needs to co-operate with a treatment program that will assure the Board that respondent's bizarre behavior will not occur again.

12. One of the most serious problems here is that respondent never really co-operated with any of the mental health evaluations. Even her own expert indicated that it took more than three visits to convince her that it would be in her best interest to co-operate with him. Without full co-operation there can be no reliable diagnosis. Without a reliable diagnosis there can be no effective treatment. Without effective treatment there can be no assurance that respondent's mental condition will not deteriorate. Respondent cannot use her failure to co-operate to now claim that the Board cannot prove that she is mentally ill.

13. Respondent received her B.S.N. from the University of San Francisco in 1987. She has worked in a hospital setting until last year when she went to work as a school nurse for the Oakland Unified School District. She also works per diem at Highland Hospital. Respondent is working well as a school nurse and has not had any complaints or problems. However, her supervisor is not fully aware of the nature of her past problems.

14. Respondent admitted that she understands why the Board was concerned about her behavior. However, Respondent's testimony that she now understands how bizarre her letters sound was not delivered with conviction. Respondent does not seem to have any real insight about how bizarre and distressing her behavior was. As of at least one year ago, respondent still had concerns about her ex-husband tapping her telephone. At the hearing, respondent was unable to explain the meaning of letters that she sent in 1999 and 2000. The letters are difficult to understand and still sound like she believes that she is being persecuted. Respondent's demeanor was guarded.

15. Respondent took the break-up of her marriage badly. Much of her delusional behavior revolves around the belief that her ex-husband was out to destroy her and her career. While this may provide mitigation and extenuation, it does not change the fact that respondent's behavior was delusional.

16. The Board established by clear and convincing evidence that respondent is not safe to practice without therapy and monitoring. The actual specific diagnosis is less important than the pattern of bizarre behavior over a considerable period of time. The potential for harm to patients and co-workers is too great to allow respondent's condition to be ignored. Respondent's argument that respondent is not presently suffering from a mental condition is not supported by the evidence. She may not have any serious symptoms at this time, but that is no guarantee that she will not become delusional in the future.

LEGAL CONCLUSIONS

By reason of the matters set forth in Findings 4 through 16, cause exists to revoke or suspend respondent's license pursuant to Business and Professions Code sections 820 and

822 in that respondent is suffering from a mental condition that renders her unsafe to practice nursing. However, it would not be against the public interest to allow respondent to practice under terms and conditions of probation.

ORDER

The registered nurse license number 411619 and public health nurse certificate number 44323 issued to Christine Anne Gotelli a.k.a. Christine Bussey is hereby revoked. However the revocation is stayed for a period of seven (7) years upon the following terms and conditions:

1. Obey all Laws – Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board in writing within seventy-two hours (72) hours of occurrence.
2. Comply with Probation Program – Respondent shall fully comply with the terms and conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including any period of suspension.
3. Report in person – Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.
4. Residency or Practice Outside of State – Periods of residency or practice as a registered nurse outside of California will not apply to the reduction of this probationary term. The respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state.
5. Submit Written Reports – Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to respondent's compliance with all the terms and conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.
6. Function as a Registered Nurse – Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.
7. Employment Approval and Reporting Requirements. Present employment with the school district is approved. – Respondent shall obtain prior approval from the Board before commencing any employment, paid or voluntary, as a registered nurse. Respondent

shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the board. Respondent shall provide a copy of this decision to her employer and immediate supervisor prior to commencement of any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment, when such employment is not as a registered nurse. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated from any registered nursing, other nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination.

8. Supervision – Respondent shall obtain prior approval from the Board regarding respondent's level of supervision and/or collaboration before commencing any new employment as a registered nurse. Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board, unless alternative methods of supervision and/or collaboration are approved. The level of supervision is to be determined by the Board of its designee.

9. Employment Limitations – Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, or for an in-house nursing pool. Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required. Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict respondent from supervision licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis. Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program. Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity. If the respondent is working or intends to work in excess of 40 hours per work week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

10. Violation of Probation – If a respondent violates the conditions of her probation, the Board after given the respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline. If during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board. Upon successful completion of probation, respondent's license will be fully restored.

11. Physical Examination – Within 45 days of the effective date of this decision, respondent at her expense, shall have a licensed physician, who is approved by the Board before the assessment is performed, submit an assessment of the respondent's physical

condition and capability to perform the duties of a registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If medically determined, a recommended treatment program will be instituted and followed by the respondent with the physician providing written reports to the Board on forms provided by the Board. If respondent is determined to be unable to practice safely as a registered nurse, the licensed physician making this determination shall immediately notify the Probation Program and respondent by telephone. Respondent shall immediately cease practice and shall not resume practice until notified by the Probation Monitor. During this period of suspension, respondent shall not engage in any practice for which a license issued by the Board is required until the Probation Monitor has notified the respondent that a medical determination permits respondent to resume practice.

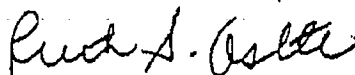
12. Submit to Tests and Samples – Respondent, at her expense, shall participate in a random, biological fluid testing or drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. The respondent is responsible for keeping the Board informed of respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and the respondent shall be considered in violation of probation. In addition, respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances. If respondent, at any time, has a confirmed positive finding, she shall immediately be subject to the requirement to participate in treatment/rehabilitation program for chemical dependency and to abstain from use of psychotropic drugs.

13. Quarterly Mental Health Examinations by an examiner approved by the Board – The respondent shall, within 45 days of the effective date of this decision, have a mental health examination including psychological testing as appropriate to determine her capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health examination practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of the respondent. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by the respondent. If respondent is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the Probation Program and respondent by telephone. Respondent shall immediately cease practice and may not resume practice until notified by the Probation Monitor. During this period of suspension, respondent shall not engage in any practice for which a license issued by the Board is

required, until the Probation Monitor has notified respondent that a mental health determination permits respondent to resume practice.

14. Therapy or Counseling -- Therapy shall be with a mental health care professional approved by the Board. The approved mental health care professional shall be in contact with a psychiatrist who is familiar with respondent's condition, and who will be available to prescribe medications if necessary.

DATED: August 30, 2001



RUTH S. ASTLE
Administrative Law Judge
Office of Administrative Hearings

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6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2000-251

12 CHRISTINE ANNE GOTELLI, AKA
13 CHRISTINE BUSSEY
P.O. Box 6058
Moraga, CA 94570

ACCUSATION

14 Registered Nurse License No. 411619
15 Public Health Nurse Certificate 44323

16 Respondent.

17
18 Complainant alleges:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation solely in
21 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about June 21, 1987, the Board of Registered Nursing issued Registered
24 Nurse License Number 411619 to Christine Anne Gotelli, a.k.a. Christine Bussey
25 ("Respondent"). The Registered Nurse License was in full force and effect at all times relevant
26 to the charges brought herein and will expire on January 31, 2003, unless renewed.

27 3. On January 25, 1989, the Board of Registered Nursing issued Public Health Nurse
28

1 Certificate number 44323 to Respondent. The certificate will expire on January 31, 2003, unless
2 renewed.

3 JURISDICTION

4 4. Under Business and Professions Code section 2750, the Board of Registered
5 Nursing may discipline any licensee, including a licensee holding a temporary or an inactive
6 license, for any reason provided in Article 3 of the Nursing Practice Act.

7 5. Under Business and Professions Code section 2764, the expiration of a license
8 shall not deprive the Board of Registered Nursing of jurisdiction to proceed with a disciplinary
9 proceeding against the licensee or to render a decision imposing discipline of the licensee.

10 GROUND FOR DISCIPLINE

11 6. Respondent has subjected her license to discipline under Business and Professions
12 Code section 822 which provides that a license may be revoked or suspended, *inter alia*, if a
13 licensing agency determines that its licensee's ability to practice his or her profession safely is
14 impaired because the licensee is mentally or physically ill. Respondent was examined pursuant
15 to Business and Professions Code section 820, which provides that the Board may order a
16 licensee to be examined by one or more physicians and surgeons or psychologists designated by
17 the agency, whenever it appears that a person holding a license, certificate or permit may be
18 unable to practice his or her profession safely because the licensee's ability to practice is
19 impaired due to mental illness or physical illness affecting competency. Respondent was
20 examined pursuant to section 820 on September 6, 2000, by psychiatrist James Reich, M.D. As a
21 result of said examination, Dr. Reich concluded that:

22 a. Respondent suffers from the following psychological
23 conditions/diagnoses: Psychosis NOS (not otherwise specified), and strong paranoid traits, at
24 times reaching delusional levels.

25 b. Respondent "at times appears to be functioning under the influence of
26 paranoid delusions."

27 c. Respondent "cannot be considered a safe practitioner."
28

PRAYER


WHEREFORE, complainant prays that a hearing be held and that the Board of Registered Nursing make an order:

1. Revoking or suspending registered nurse license number 411619, issued to Christine Anne Gotelli, a.k.a. Christine Bussey.

2. Revoking or suspending public health nurse certificate number 44323, issued to Christine Anne Gotelli, a.k.a. Christine Bussey.

3. Taking such other and further action as may be deemed proper and appropriate.

DATED: 2/13/01


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant